

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH STALLWORTH,
Plaintiff,

v.

DEPUTIES & SERGEANTS OF CONTRA
COSTA COUNTY JAILS & FACILITIES,
Defendants.

Case No. [22-cv-04332-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

This suit was reassigned from a magistrate judge to the undersigned in light of a recent Ninth Circuit decision.¹ Dkt. 10.

On July 7, 2022, plaintiff, who is in custody at the West County Detention Facility, filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983. Dkt. 1. On that same date, the Clerk of the Court sent a notification to plaintiff informing him that he had neither paid the filing fee nor completed an *in forma pauperis* (“IFP”) application. Dkt. 2. The Clerk provided plaintiff with a blank IFP application form, along with a return envelope, instructions, and a notification that the case would be dismissed if plaintiff failed to pay the fee or file the completed IFP application within twenty-eight days.

On August 22, 2022, plaintiff filed a completed IFP application. Dkt. 4. However, he did not include his Certificate of Funds and a prisoner trust account statement for the previous six months.

On August 26, 2022, the Clerk sent another notification to plaintiff explaining that his IFP was deficient due to the failure to include his Certificate of Funds and prisoner trust account statement. Dkt. 6. The Clerk provided plaintiff with another IFP application form, along with a

¹ *Williams v. King*, 875 F.3d 500, 503 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial screening because unserved defendants had not consented to proceed before magistrate judge).


1 return envelope, instructions, and a notification that the case would be dismissed if plaintiff failed
2 to submit the requisite documents within twenty-eight days.

3 On September 15, 2022, plaintiff filed another completed IFP application, but he did not
4 attach his prisoner trust account statement. Dkt. 9. The twenty-eight-day deadline has passed and
5 plaintiff has not submitted his prisoner trust account statement.

6 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. Plaintiff's *in forma*
7 *pauperis* application is DENIED as incomplete. The Clerk shall terminate all pending motions
8 and close the file.

9 IT IS SO ORDERED.

10 Dated: December 23, 2022

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12 JUDGE YVONNE GONZALEZ ROGERS
13 United States District Judge
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